

Message Text

SECRET

PAGE 01 MOSCOW 05922 240521 Z

61

ACTION EUR-10

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E. O. 11652: GDS

TAGS: TGEN, UR

SUBJECT: POSSIBLE US- USSR AGREEMENT ON OCEANOGRAPHY

FOR EUR/ SOV, L

REF: A. STATE 98529; B. MOSCOW 5854

1. NEGOTIATION OF OCEANOGRAPHIC AGREEMENT HAS BEEN PROCEEDING RATHER SMOOTHLY, AND USDEL HAS GAINED ALMOST ALL US POSITIONS AS DEFINED IN ITS PRINTED INSTRUCTIONS OF MAY 18, 1973. DESPITE SEVERAL MAJOR CONFRONTATIONS, INCLUDING SOVIET INSISTENCE ON INCLUDING MARINE POLLUTION AS AREA OF COOPERATION, COMPROMISE SATISFACTORY TO USDEL HAVE EVENTUALLY BEEN ACHIEVED. TENTATIVELY AGREED UPON TEXT (EXCEPT AS NOTED BELOW) IS BEING REPORTED IN SEPTTEL FOR COMMENTS AND ADVICE OF DEPARTMENT. PLEASE ADVISE BY

IMMEDIATE CABLE ON FOLLOWING POINTS.

2. ONLY MAJOR IMPASSE STILL REMAINING IS QUESTION OF WORD " MONITOR" IN ARTICLE FOUR AND ARTICLE FIVE PARAGRAPH THREE. AT LAST SESSION, AFTER EACH SIDE PRESENTED ITS POSITION ON THIS SUBJECT, BERDENNIKOV FINALLY SAID THAT USE OF THIS WORD IS " TOTALLY UNACCEPTABLE TO SOVIET SIDE." USDEL REPLIED WITH CORRESPONDING

SECRET

SECRET

PAGE 02 MOSCOW 05922 240521 Z

STATEMENT OF UNACCEPTABILITY OF SOVIET POSITION, AND SAID IT WOULD ATTEMPT TO FIND RUSSIAN LANGUAGE EXPRESSING THE " MONITOR" CONCEPT WITHOUT USING THE WORDS SOVIET SIDE FIND SO OBJECTIONABLE (REF B). DURING THE DISCUSSIONS, IT WAS POINTED OUT TO SOVIET SIDE THAT THIS CONCEPT WAS, IN FACT, ALREADY IN ARTICLE FIVE OF ENVIRONMENTAL AGREEMENT (WHICH SURPRISED THEM). AFTER SENDING OUT FOR COPY OF THAT AGREEMENT, AND FINDING WORDS NABLYUDAT' ZA, SOVIETS REACTED AMONG THEMSELVES AS THOUGH THIS WOULD BE ACCEPTABLE, BUT DID NOT EXPLICITLY SAY SO. FROM REMARKS OVERHEARD DURING PRIVATE CAUCUS WITHIN SOVDEL, IT SEEMED THAT " ZA" WAS THE CRITICAL ELEMENT THAT MIGHT MAKE THIS EXPRESSION ACCEPTABLE BUT THAT SAME FORMULATION WOULD NOT WORK IN CASE OF ARTICLE FOUR BECAUSE IT WOULD NOT GRAMMATICALLY FIT. TO BREAK IMPASSE, USDEL PROPOSES, IF DEPARTMENT CONCURS, TO POINT OUT (FOR FIRST TIME) TO SOVIET SIDE THAT SOVIET' S OWN DRAFT OF AGRICULTURE AGREEMENT CONTAINS WORD KONTROLIROVAT' IN EXACTLY THE SAME CONTEXT IN ITS ARTICLE 5 (3). (US DRAFT, FOR SOME REASON, DOES NOT.), WHICH IS EVEN STRONGER THAN " MONITOR." DEPENDING ON ADVICE OF DEPARTMENT, USDEL WOULD THEN PUSH EITHER FOR " CONTROL" OR " SUPERVISE," BUT FEELS THAT " SUPERVISE" WOULD BE ONLY WORD ACCEPTABLE TO SOVDEL. AS TO ARTICLE FOUR, SOVIET OBJECTION IS VERY STRONG, BECAUSE IT FEELS THAT SUCH MONITORING IS AN INTERNAL AFFAIR, BECAUSE IT SOUNDS TOO MUCH LIKE " SPYING," BECAUSE EACH SIDE HAS COMPLETE CAPABILITY TO MONITOR ACTIVITIES (AND WILL DO SO ANYWAY) IN ITS OWN WAY AND ACCORDING TO ITS OWN LOCAL CIRCUMSTANCES, ETC. IT WOULD BE HELPFUL, IN FINAL EFFORT, IF DEPARTMENT COULD PROVIDE USDEL WITH SEVERAL ENGLISH WORDS OR EXPRESSIONS (WITH RUSSIAN EQUIVALENTS) THAT DEPARTMENT WOULD CONSIDER ACCEPTABLE IN ARTICLE FOUR. AS LAST RESORT, USDEL RECOMMENDS ACCEPTANCE OF OLDER LANGUAGE OF S AND T AGREEMENT, IN COMPLIANCE WITH INSTRUCTIONS TO USDEL OF MAY 18, 1973.

3. RE PARA FOUR OF REF A, USDEL HAS NOT YET TABLED REVISED WORDING. SINCE " AS APPROPRIATE" WAS OMITTED IN NEW SUGGESTED WORDING, USDEL WONDERS WHETHER PARTIES CAN COMMIT THEMSELVES TO ENCOURAGING AND MONITORING (ALL) DIRECT CONTACTS BETWEEN FIRMS. SINCE WORD " COOPERATION" IS ALSO OMITTED FROM NEW VERSION, SOVIET WILL CERTAINLY ASK WHY US SIDE UNWILLING TO ENCOURAGE AND FACILITATE COOPERATION. BY BREAKING UP PARAGRAPH INTO TWO SENTENCES, NEW US TEXT WOULD NO LONGER BE ENCOURAGING AND FACILITATING THE CONCLUSION OF IMPLEMENTING AGREEMENTS UNDER THE AGREEMENT. PLEASE ADVISE.

SECRET

SECRET

PAGE 03 MOSCOW 05922 240521 Z

4. SOVIET SIDE BELIEVES THAT LAST SENTENCE OF ARTICLE FOUR SHOULD BE OMITTED, BECAUSE APPROVAL BY JOINT COMMITTEE IS ADEQUATELY PROVIDED FOR IN ARTICLE FIVE PARAGRAPH TWO. USDEL COULD POSSIBLY PERSUADE SOVDEL TO RETAIN THIS SENTENCE, BUT TENDS TO AGREE WITH SOVIETS THAT THIS SENTENCE MAY BE REDUNDANT.

5. RE PARA SIX OF REF A, SOVIETS HAVE ACCEPTED US POSITION.

6. FIVE YEAR DURATION HAS BEEN ACCEPTED BY SOVIETS.

7. FOR REASONS ALREADY REPORTED, SOVIET SIDE SIMPLY NOT ABLE TO INCLUDE POLAR TOPIC, DESPITE PRESENTATION BY USDEL ALONG LINES OF PARA EIGHT REF A. NEITHER POLAR NOR MANNED UNDERSEA AREA IS, THEREFORE, MENTIONED IN ARTICLE TWO. IT WAS MUTALLY AGREED THAT IT MIGHT BE POSSIBLE TO INCLUDE BOTH OF THEM LATER AS " OTHER AREAS."

8. SOVIETS PREFER ROMAN NUMERALS IN DESIGNATING ARTICLES AND DASHES (INSTEAD OF NUMBERS) IN TEXTS OF ARTICLES TWO AND THREE, AS IN ENVIRONMENTAL AGREEMENT. SOVIET POSITION IS NOT FIRM ON EITHER POINT, AND SOVDEL WOULD ACCEPT DESIGNATING ITEMS WITHIN THOSE ARTICLES BY SEQUENTIAL LETTERS OF ALPHABET.

9. USDEL HAS GAINED SOVIET ACCEPTANCE OF REFERENCE TO ALL THREE AGREEMENTS AS WELL AS PHRASE " IN ACCORDANCE WITH" IN PREAMBLE, BUT CERTAIN PROBLEMS STILL REMAIN. THEY STILL INSIST THAT THEIR LAWYERS WILL NOT PERMIT REFERENCE TO INDEFINITE " USCESSOR" AGREEMENTS. (IT TURNS OUT THAT MINAG HAS GIVEN ONLY TENTATIVE APPROVAL TO THIS PHRASE IN AGRICULTURAL AGREEMENT, RATHER THAN FINAL APPROVAL AS REPORTED IN REF B.)

SOVDEL WANTS, HOWEVER, TO LIST S AND T AGREEMENT FIRST, BECAUSE IT CONSIDERS THIS ONE TO BE BASIC UMBRELLA FOR OCEANOGRAPHY. WORKING WOULD BE " IN PURSUANCE AND FURTHERDEVELOPMENT OF (S AND T) AND IN ACCORDANCE WITH (EXCHANGES) AND WITH (ENVIRONMENTAL)". NOTE THAT REFERENCE TO ENVIRONMENTAL BECOMES " IN ACCORDANCE WITH" RATHER THAN " CONSISTENT WITH THE AIMS OF." ALSO, BUBNOV BELIEVES THAT OMISSION OF DATES OF AGREEMENTS WOULD CAUSE LEGAL PROBLEMS, BUT IS CHECKING IT O
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